

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 3, 12, 20, 28, 30 and 39 have been amended. Claims 2, 21, 29 and 40 have been cancelled. Thus, claims 1, 3-20, 22-28, 30-39 and 41 are pending.

A telephonic interview was conducted with the Examiner on April 26, 2004. In that interview, Applicant's representative notified the Examiner that Paper No. 9 was not received. The Examiner agreed to re-mail paper No. 9 and to restart the time to reply.

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al. in view of Swartz, claims 8, 10, 15, 16, 25, 26, 35 and 37 stand rejected as being unpatentable over Aravamudan et al. in view of Swartz and in further view of Srivastava et al., and claims 18 and 24 stand rejected as being unpatentable over Aravamudan et al. in view of Swartz. These rejections are respectfully traversed.

Claim 1 has been amended to include the subject matter of claim 2, claim 20 has been amended to include the subject matter of claim 21, claim 28 has been amended to include the subject matter of claim 29, claim 39 has been amended to include the subject matter of claim 40, and claim 12 has been amended to recite that, in the first application instance, an HTML page is generated having instructions for a persistent browser instance, having received the HTML page, to interrupt a present application session of the second party and initiate a new application session for the second party.

Hence, each of the independent claims 1, 12, 20, 28 and 39 requires that an HTML page or document is generated having instructions to request interruption of a present application session of the second party to create a new application session for the second party.

The Examiner concedes that Aravamudan et al. do not teach the notification of a new application session in the form of an HTML page, and cites Swartz as disclosing an HTML web interface to handle incoming calls. The Examiner contends that it would have been obvious to modify the system of Aravamudan et al. to employ the HTML feature of Swartz to facilitate communication.

Applicants submit that there is no evidence of motivation to modify Aravamudan et al. to include using HTML documents in the instant messaging system. Swartz is

not directed to instant messaging, but is directed to a basic internet telephone control system.

The claims as amended require that an HTML page or document is generated having instructions to request interruption of a present application session of the second party to create a new application session for the second party. With regard to claims 2 and 29, the Examiner contends that Swartz shows inserting a URL within an HTML page “causing the browser to request interruption of a present application session of the second party to create the new application session for the second party” and cites column 10, lines 12-18 of Swartz in support of the rejection. However, column 10, lines 12-18 of Swartz merely teach that:

Similarly, the filename or other designation of an audio file recorded at the server computer 41, or the URL of an audio file available on the Internet, may be entered in the input line at 252. The designated audio file is sent over the voice telephone connection under the control of the buttons at 257 labeled "Play," "Pause," "Stop" and "Rewind."

Hence, Swartz merely teaches inserting a URL for playing an audio file and does not teach or suggest inserting a uniform resource locator (URL) within an HTML page causing the browser to request interruption of a present application session of the second party to create a new application session for the second party.

With regard to claims 21 and 40, the Examiner contends “Swartz shows HTML document has instructions to interrupt a present application session (present call) of a second party (subscriber) to create a new application session for the second party (call waiting feature) (col. 9, lines 59-62).” Applicants submit that this citation of Swartz merely teaches that a hold button 227 of the HTML page can be pressed so that “the call in process may be placed on hold in the normal way so that, for example, an incoming call signaled by the ‘call waiting’ feature can be handled.” Pressing the hold button in the HTML page of Swartz is not a disclosure of generating an HTML page having instructions to interrupt a present application session of the second party to create the new application session for the second party. Pressing the hold button 227

of Swartz merely activates the call waiting services employed by the telephone central office service (see column 7, lines 41-61 of Swartz).

For these reasons, the rejection of the independent claims and the claims that depend there-from is improper and should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Stemberger", written in a cursive style.

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